

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Telephone Number Portability

**Egyptian Telephone Cooperative Association
Petition for Waiver of Section 52.23(c)
of the Commission's Rules**

CC Docket No. 95-116

To: Chief, Wireline Competition Bureau

PETITION FOR WAIVER

Pursuant to Sections 1.3, 1.925 and 52.23(e) of the Commission's Rules,¹ and the Commission's *Intermodal LNP Order*,² Egyptian Telephone Cooperative Association (the "Company") hereby requests waiver of the November 24, 2003 implementation date requiring the Company to support wireline-to-wireless number portability ("intermodal porting"). As demonstrated herein, substantial and credible evidence exists that there are special circumstances that warrant departure from the November 24, 2003 date. Accordingly, and in compliance with the specific directives set forth in Section 52.23(e), the Company seeks an extension of time to support intermodal porting until May 10, 2004.³ In support thereof, the following is shown:

¹ 47 C.F.R. §§ 1.3, 1.925 and 52.23(e).

² In the Matter of Telephone Number Portability; CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues, CC Docket No. 95-116 at para. 7 (rel. Nov. 10, 2003) ("Intermodal LNP Order"). The Commission has stated that a carrier facing compliance issues with November 24, 2003 deadline may seek extension by filing a request for waiver. *Id.* at para. 30. Because this request for waiver is filed within sixty (60) days of the date of the November 24th deadline, a waiver of 47 C.F.R. § 52.23(e) is also requested to the extent necessary.

³ By seeking this extension of time, the Company does not waive any of its legal rights with respect to the *Intermodal LNP Order*, including, without limitation, with respect to seeking relief from a court of competent jurisdiction or the Illinois Commerce Commission with respect to the obligations imposed upon it by the *Intermodal LNP Order*. As provided for in the *Intermodal LNP Order*, this request is limited solely to the technical infeasibility of the Company's compliance with the November 24th deadline.

I. The Company and Pending Intermodal Requests

The Company is a rural local exchange carrier that provides local exchange and exchange access services within the following counties in Illinois: Randolph, Washington, Jackson, Perry and St. Clair. Of these counties, at least one county is located in an MSA that is among the largest 100 MSAs. All of this service territory encompasses areas that are sparsely populated. The entire service area covers approximately 422 total square miles. The Company serves approximately four subscribers per square mile. The largest town in this service area has a population of approximately 525.

The Company received a request from Sprint PCS dated May 23, 2003, and a request from Verizon Wireless dated May 28, 2003 and T-Mobile dated February 21, 2003, to support intermodal portability by November 24, 2003.⁴ Although, in general, many wireless carriers have referenced incorrect CLLI codes, the codes of the Company's switches are: BLDWILXEDS0, BLARILXERS0, GLNNILXERS0, RICEILXERS0, OKDLILXERS0, VNDYILXERS0, and STLBILXERS0. The Company responded, questioning the validity of the request.⁵ The Company received no response from the requesting CMRS carriers with respect to the questions raised regarding the request. As further discussed below, the Company, like the wireline industry in general, did not understand the requests of the CMRS carriers to be a request for number portability enabling a customer to retain, at the same location, the use of the

⁴ A copy of the requests are attached as Exhibit 1. As noted in the attached Exhibit 1, the T-Mobile correspondence fails to specify the company name, switches and specific geographic area, which is required by FCC Rules. *See In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability: Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10.*

⁵ A copy of the correspondence sent to Verizon Wireless and Sprint PCS is attached as Exhibit 2.

number. Accordingly, the Company did not act further on the request prior to the November 10, 2003 release of the *Intermodal LNP Order*.

**II. Waiver is Warranted on the Basis of the
Company's Compliance with Section 52.23(e) Criteria**

The Company is and has been fully aware of its obligation established by Section 251(b)(2) of the Communications Act of 1934, as amended (the "Act") with respect to the implementation of LNP; it is likewise aware of the Commission's Section 252 Subpart C rules regarding number portability and, specifically, implementation requirements. Prior to the receipt of the requests for number portability from the requesting CMRS carriers, the Company had received no other requests for number portability, and, accordingly, had no basis for expending limited resources on the deployment of number portability. Given the set of circumstances surrounding the Commission's implementation of intermodal number portability, the Company has acted and continues to act in good faith to comply with the Commission's requirements. In compliance with Section 52.23(e), the Company sets forth the following information:

**A. Section 52.23(e)(1): The Facts Demonstrate why the
Company is Unable to Meet the Commission's Deployment Schedule**

The Company utilizes a Nortel switch. Nortel has informed the Company that it will take approximately three months from the initial order date to install and test the required upgrades for the necessary software required to comply with the requests that had been received. The Company is unable at this time, however, to estimate when all aspects of number portability will be completed. Company hereby commits to providing Commission with the quarterly updates as described herein and may need to seek additional waiver if necessary. In addition, the Company

is not technically able to comply with what appear to be the requirements of the *Intermodal LNP Order* with respect to the transport of and “rating”⁶ of calls to a number ported to a wireless carrier.

As a result of the logistic realities, the Company has, in good faith, determined that it is not possible to implement and test the necessary switch-related changes prior to the November 24th deadline.

B. Section 52.23(e)(2): A Detailed Explanation of the Activities that the Carrier has Undertaken to Meet the Implementation Schedule Prior to Requesting an Extension of Time

In good faith, the Company attempted to meet the implementation schedule prior to requesting an extension of time. The Company has again requested specific information from the requesting wireless providers to ensure specific coordination with them regarding the Company’s porting activities when and if a request is made to port an end user’s telephone number. Prior to the issuance of the *Intermodal LNP Order*, the Company received either no answer or a non-responsive answer to its inquiries from the requesting wireless provider, or received generic documents regarding level service arrangements. The Company did provide preliminary information to requesting carriers upon request including information regarding switch locations and capabilities.

As discussed, prior to the issuance of the *Intermodal LNP Order*, the Company, like other similarly situated carriers in general, did not take additional action to implement number portability because of the understanding that the CMRS carrier requests exceeded the Commission’s expectations and the statutory requirements set forth in the Act. After the issuance of the *Intermodal LNP Order*, the Company has proceeded with good faith efforts

⁶ Local exchange carriers do not “rate” their local exchange services.

toward the implementation of number portability including the commitment of the necessary financial resources required to acquire and deploy the required switch upgrades. Additional inquiries to the requesting wireless provider have been undertaken to ensure proper coordination, and the Company is working with its switch vendor to go forward with the necessary switch changes.

C. Section 52.23(e)(3): An Identification of the Particular Switches for Which the Extension is Requested

The particular switches for which the extension is requested are:

BLDWILXEDS0
BLARILXERS0
GLNNILXERS0
RICEILXERS0
OKDLILXERS0
VNDYILXERS0
STLBILXERS0

D. Section 52.23(e)(4): The Time in Which the Carrier Will Complete Deployment in the Affected Switches

The Company will attempt to complete deployment in the affected switches by May 10, 2004, six months after the issuance of the Commission's *Intermodal LNP Order* in which the Commission provided guidance of its intermodal porting requirements. The Company notes that its implementation schedule is dependent upon its switch vendor, and coordination and testing between it and the requesting wireless provider. While the implementation of the necessary switch changes will technically enable the provision of number portability, the Company also remains concerned that technical compliance with the directives of the *Intermodal LNP Order* regarding the treatment of calls from the Company's network to a number ported to a wireless

carrier is not technically feasible in the absence of the deployment of a physical connection of the wireless carrier to the Company's network.⁷

E. Section 52.23(e)(5): A Proposed Schedule with Milestones for Meeting the Deployment Date

The Company will provide the Commission with quarterly progress reports during the period within which the extension is provided. Those reports will provide the Commission with all relevant progress, the dates of the purchase and installation of the upgrades, and a summary of the steps taken and to be taken regarding the Company's ability to support intermodal porting.

III. Additional Facts Supporting the Company's Request for Waiver

As set forth above, the Company meets all relevant criteria established in Section 52.23(e) to support the Company's waiver request. The Company respectfully submits that additional support for the requested waiver is found within the context of the Company's good faith approach to its porting obligations.

The Company, like most (if not all) providers of wireline local exchange services, did not expect that its statutory obligation to provide number portability extended to a CMRS request for number portability under the existing Part 52 rules unless the requesting CMRS carrier confirmed that the number would be used by the telecommunications user "at the same location" where the customer used the number prior to portability.⁸ The record before the Commission

⁷ The relief requested herein, however, is limited to the request for a waiver of the implementation time in order to afford the company the time necessary to implement the necessary switch changes. The Company anticipates that the Commission will subsequently address the general deployment concerns regarding calls to a ported number in other proceedings, and respectfully reserves the right to seek additional relief to the extent necessary to ensure its full compliance with the Commission's applicable rules.

⁸ 47 U.S.C. § 153(30).

prior to the *Intermodal LNP Order* bears out the existence of this general industry understanding.⁹

In hindsight, the Company also took misplaced comfort in the public statements from FCC decision-making staff that the issues regarding intermodal porting would be resolved well in advance of the November 24, 2003 deadline. In responding to questions regarding FCC action on pending issues regarding number portability, John Muleta, Chief of the FCC's Wireless Telecommunications Bureau stated, "We'll do it soon. . . . We've said that we will address it well in advance of the Nov. 24 LNP deadline."¹⁰ As late as October 7, 2003, the FCC likewise made clear that its decisions to date did not address intermodal porting issues:

[W]e do not here address the issues related to wireline-wireless porting. Issues associated with wireline-wireless porting will be addressed in a separate item, and we affirm that none of the actions taken here today bind the Commission in any way in taking future action on the implementation of wireline-wireless porting.¹¹

As the totality of the circumstances demonstrate, the Company acted in good faith in response to the number portability requests of the CMRS carriers, and had a reasonable basis to await the Commission's directives. The Company held a reasonable good faith expectation that the uncertainty and associated issues surrounding the matter of intermodal porting would be resolved

⁹ See, e.g., Comments of CTIA, CC Docket No. 95-116, filed May 13, 2003 at 5; Comments of United States Cellular Corporation, CC Docket No. 95-116, filed February 26, 2003 at 4; Comments of Verizon Wireless, CC Docket No. 95-116, filed June 13, 2003; Comments of Cingular Wireless, LLC, CC Docket No. 95-116, filed June 13, 2003 at 25; Comments of AT&T Wireless Services, Inc., CC Docket No. 95-116, filed on June 24, 2003 at 1. In fact, the *Intermodal LNP Order*, prior FCC actions, and public statements from FCC decision-making personnel demonstrate the Commission's awareness of this general understanding. See e.g., *Intermodal LNP Order* at para. 1; the Commission's Daily Digest announcing the issuance of the *Intermodal LNP Order* states: "FCC CLEARS WAY FOR LOCAL NUMBER PORTABILITY BETWEEN WIRELINE AND WIRELESS CARRIERS." The existence of uncertainty, confusion and the need for clarification was well known and understood.

¹⁰ FCC Officials Press Wireless Firms to Move Ahead on LNP Deployment," TR Daily, Sept. 8, 2003 ed.

¹¹ In the Matter of Telephone Number Portability – Carrier Requests for Clarification of Wireline-Wireless Porting Issues: Memorandum Opinion and Order, CC Docket No. 95-116, FCC 03-237 at para. 21 (rel. Oct. 7, 2003).

in sufficient time to permit the Company to deploy intermodal number portability within a time frame consistent with the six month period established in the Commission's rules.

Because of the acknowledged uncertainty throughout the industry regarding the intermodal portability issues, and the Commission's promised direction, the Company had no expectation that a strict reading of the Commission's anticipated decision could possibly require the Company to support intermodal porting by November 24, 2003. The Company's circumstances are dissimilar to those of other carriers that have previously received requests to deploy wireline to wireline portability because the Company has never previously received a request for wireline to wireline portability. Accordingly, those companies that already deployed the hardware changes to comply with prior requests may very well be technically capable of supporting intermodal portability on November 24, 2003. For all of the reasons provided above, the Company is not technically capable of meeting this deadline.

IV. Conclusion

As demonstrated by its actions, the Company has not shirked its obligation to respond to a *bona fide* request to implement number portability. The Company acted prudently prior to the Commission's provision of direction in the *Intermodal LNP Order*. The Company did not ignore any request for number portability and it provided all information sought by any requesting carrier. Subsequent to the provision of direction by the Commission provided in the *Intermodal LNP Order*, the Company has undertaken efforts to deploy number portability.¹²

¹² Factually, no requesting carrier has indicated to the Company an actual specific intent to port a number on November 24, 2003. The Company will contact the requesting carrier(s) regarding this waiver request, and offer to work toward a mutual coordination of deployment.


As demonstrated above, and in the context of the totality of the circumstances leading up to the issuance of the Commission's *Intermodal LNP Order*, the Company has demonstrated that it meets the Section 52.23(e) criteria to support its request for waiver and extension of the November 24, 2003 number portability implementation date. The Company respectfully submits that a grant of this request under these specific facts and circumstances is consistent with the Commission's recognition that its consideration of requests for waivers of the November 24th deadline be accomplished in "such manner as will best conduce to the proper dispatch of business and to the ends of justice."¹³

For the reasons stated herein, the Company requests that the Commission grant it until May 10, 2004, with respect to its obligations to support intermodal porting as provided for in the Commission's *Intermodal LNP Order*.

Respectfully submitted,

**Egyptian Telephone Cooperative
Association**

By: _____


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November 21, 2003

¹³ 47 U.S.C. §154(j).

EXHIBIT 1

Network Operations Support



May 28, 2003

Egyptian Communications Services, Inc.
1010 West Broadway
Steelville, IL 62288

Verizon Wireless
Interconnection/Numbering/Mandates
2785 Mitchell Drive MS 7-1
Walnut Creek, CA 94598

Attn: Kevin Jacobsen,

Consistent with the rules of the Federal Communications Commission ("FCC"), on November 24, 2003, Verizon Wireless will begin competitive porting by offering customers local number portability ("LNP").¹⁵³ The FCC sought to simplify the task of identifying the switches in each MSA in which number portability is deployed and to facilitate competitive entry.¹⁵⁴ The FCC's rules require local exchange carriers to make available, upon request by any interested party, a list of their switches for which provisioning of number portability has been requested (and therefore provided) and a list of their switches for which provisioning of number portability has not been requested.¹⁵⁵ Verizon Wireless requires only a list of switches and NPA-NXX codes for which provisioning of LNP has not been requested.

Verizon Wireless has simplified this request by attaching a form containing a list of switches and codes for your review. This list was derived by using the LERG and comparing it to Verizon Wireless's licensed service areas. The list identifies the switch CLLI and NPA-NXX codes that Verizon Wireless believes are not yet LNP capable. Please review and update the attached form, making any necessary changes or additions to the list regarding switches and codes that have not been marked portable. Please indicate the date by which the switch and codes will be LNP capable.¹⁵⁶ Any comments can be made in the column provided on the form.

Verizon Wireless requests that you review, update and return the attached form to the undersigned contact within 10 days of receipt. Please call the undersigned with any questions or concerns.

A handwritten signature in dark ink, appearing to read "Linda Godfrey".

Linda Godfrey
Verizon Wireless
Interconnection, Numbering and Mandates

925-279-6570

Enclosures

¹⁵³ See 47 C.F.R. § 52.51.

¹⁵⁴ Local Number Portability, *First Memorandum Opinion and order on Reconsideration*, 12 FCC Rcd. 7236, ¶¶59-66 (1997).

¹⁵⁵ *Id.* at ¶64; 47 C.F.R. § 52.23(b)(2)(iii).

¹⁵⁶ The timeframes for conversion to LNP of any additional switches are governed by the FCC's rules and range from 30 days to 180 days, depending upon the status of the switches (*i.e.*, equipped remote, hardware capable, capable switches requiring hardware, and non-capable). 47 C.F.R. § 52.23 (b)(2)(iv)(A-D).

Bonafide Request Form (BFR)**Purpose:**

The purpose of this letter is to request the deployment of long-term Local Number Portability as defined by the FCC. Specifically, this form requests that **ALL** codes serving the Metropolitan Statistical Areas be opened for portability in the LERG and the NPAC and **ALL** switches serving these areas are LNP capable.

Note: MSAs refers to the identified U.S. Census Bureau MSAs for 2000. These may differ from the MSAs as separately defined by the wireless or wireline industries. In those instances where no MSA has been identified, please reference Rate Center to ensure switches and NPA-NXXs serving those areas are opened for porting.

TO (RECIPIENT):

If LERG contact info is
incorrect, please change below.

Company
Name: _____

Contact Name: _____

Contact's Address: _____

Contact's

Email: _____

Contact's Fax: _____

Contact's Phone: _____

FROM (REQUESTOR):

Company Name: Cellco Partnership d/b/a
Verizon Wireless

Contact Name: Linda Godfrey

Contact's Address: 2785 Mitchell Drive
Walnut Creek, CA 94598
Building 7-1, 7111G

Contact's Email:
Linda.Godfrey@Verizonwireless.com

Contact's Fax: 925-279-6621

Contact's Phone: 925-279-6570

Timing:

Date of Request: May 19, 2003

Receipt Confirmation
Due By: May 29, 2003 (Due no later than 10 days after the date of the request.)

Effective Date: November 24, 2003 or May 24, 2004 pursuant to the FCC rules

**Wireline Bonafide Request form (BFR) for Local Numebr Portability Egyptian
Communications Services, Inc. Nonportable NPA-NXXs and CLLIs**

COC TYPE	ST	RATE_CNTR	PORTABLE	NPA	NXX	Date NPA- NXX marked Portable	Comments	SOF 38-LNP	SWITCH	Date Portable	Comments
EOC	IL	ST LIBORY	N	618	768			-	STLBILXERS0		
EOC	IL	OAKDALE	N	618	329			-	OKDLILXERS0		
EOC	IL	RICE	N	618	336			-	RICEILXERS0		
EOC	IL	GLENN	N	618	763			-	GLNNILXERS0		
EOC	IL	BLAIR	N	618	774			-	BLARILXERS0		
EOC	IL	BALDWIN	N	618	785			-	BLDWILXEDS0		
EOC	IL	VENEDY	N	618	824			-	VNDYILXERS0		
EOC	IL	FLAT ROCK	N	618	584			-	FLRKILXEDS0		